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BOARD POLICY MANUAL REVISIONS

Action Requested: Consider, as a first and final reading, proposed revisions to Board of Regents Policy Manual Chapter 4.2 – Freedom of Expression. These revisions shall be effective immediately upon approval by the Board.

Executive Summary: During the November 2024 meeting of the Board of Regents, Board office staff informed the Board that proposed revisions to the Freedom of Expression policy were under development to provide guidance on university statements and ensure compliance with Iowa Code Chapter 261J. The proposed revisions clarify expectations regarding university management and oversight of institutional social media accounts. The universities are generally expected to refrain from issuing statements on political, social, or public policy matters. The policy further provides that any university statements must be consistent with Iowa law, Board policy, and the position of the Board of Regents on the same subject.

Revisions Proposed:**Chapter 4.2 – Freedom of Expression****I. University Statements on Matters of Public Concern and Use of Social Media.**

- i. The University's proper role is in supporting and encouraging freedom of inquiry by fostering opportunities for the expression of differing views regarding many issues in multiple areas of study, research, and debate, including current political, social, and public policy issues. The Universities shall not take action in such a way as to require or unduly pressure members of the campus community, in their personal capacities, to express or adopt a particular viewpoint on a political, social or public policy matter. The University may speak, as an institution, on political, social, or public policy matters when such matters are central to the mission or critical operations of the University as reasonably determined by the University.
- ii. The universities should refrain from making statements on political, social or public policy matters, however if the university does issue a statement on political, social, or public policy matters it must be consistent with (i) the official position of the Board of Regents on the same or similar subject matter, (ii) all applicable state and federal laws, including, but not limited to, Iowa Code Chapter 261J, and (iii) Board policy. Any question as to whether a proposed statement or position conflicts with Board position, policy or the law will be resolved by the Executive Director of the Board of Regents.
- iii. The Universities shall, by policy, establish which institutional offices, positions and social media accounts have authority to issue official university statements or positions on political, social or public policy matters central to the university's mission or critical operations and submit them annually to the Governance, Evaluation and Human Resources Committee. No one except approved individuals through official institutional social media accounts or other communication channels are authorized to speak on behalf of the institutions.

- iv. Official university social media accounts or other communication channels are strictly reserved for institutional purposes and must not be used for personal political commentary or advocacy. University social media accounts and postings must abide by 4.2.1 of this manual.
- Social media account managers are responsible for ensuring that their sites are compliant with Regent and university policies. They are responsible for ensuring content does not violate Regent or university policy, including but not limited to content that is deemed unlawful, violative of Regent or university policies or spam. Individual colleges or units may have additional social media policies or requirements, so long as they are consistent with this policy.
 - Social media account managers must comply with their institutions marketing and branding guidelines.
- v. Employees are free to express personal opinions on their personal social media accounts, consistent with the First Amendment and its application to public employees. When doing so, it is the employee's responsibility to make clear that they are speaking in their private capacity and not on behalf of the University or the Board of Regents. However, under certain circumstances, the university may be obligated to act to prevent harm to the university, our campus community, and its mission. For instance, when an employee's personal expression violates university policy, such as engaging in threatening or intimidating speech towards a co-worker, the university may be compelled to intervene to maintain a safe or efficient work environment.
- vi. Any failure to comply with this policy may be grounds for employee discipline, up to and including termination.
- vii. Annually, the Board office shall send written notice to the universities regarding the requirements of this section 4.2.1.